

From: Schell, Nick - NRCS, Columbus, OH
To: [Grubb, Christopher](#)
Cc: [Schaller, Andrea](#)
Subject: RE: Yuhasz matter - Email 3
Date: Wednesday, March 14, 2018 10:27:42 AM

Chris and Andrea,

Thanks for taking the time to provide these files regarding Yuhasz, it's very much appreciated.

Nick A. Schell

State Biologist
USDA-NRCS
Columbus Ohio
200 N. High Street Rm: 522
(614)-255-2490 ext: 2490

From: Grubb, Christopher [mailto:Grubb.Christopher@epa.gov]
Sent: Wednesday, March 14, 2018 11:21 AM
To: Schell, Nick - NRCS, Columbus, OH <Nick.Schell@oh.usda.gov>
Cc: Schaller, Andrea <schaller.andrea@epa.gov>
Subject: Yuhasz matter - Email 3

Nick,

Final email on this. The EnviroScience restoration proposal from last summer is attached. Below is a summary of feedback on the plan after discussions with the Army Corps and Ohio EPA.

Chris

Christopher Grubb
Associate Regional Counsel
U.S. EPA Region 5 (C-14J)
77 W. Jackson Blvd.
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(312) 886-7187

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From: Grubb, Christopher

Sent: Thursday, July 27, 2017 2:08 PM

To: Jonathan Winer <JonathanWiner@winerlegalservices.com>

Cc: Schaller, Andrea <schaller.andrea@epa.gov>

Subject: Yuhasz call agenda items

Dear Jon,

We have reviewed your client's settlement offer and, for purposes of settlement discussions, would like to discuss the following items with you and your client on tomorrow's call at 2pm eastern / 1pm central:

1. Expansion of East fields into areas that have wetlands
 - o Expanding into wetland areas would require a 404 permit, and cannot be permitted as part of this settlement
 - o Same issue with Y-shaped carve out in southeast part of East fields, which has some wetland areas that were not identified on the 2009 delineation but meet the wetland definition
2. New "main line" tile in the east field
 - o Could do it in west field or upland areas, but in east field there are remaining wetlands and discharge associated with installing the tile would require a 404 permit (again cannot be permitted as part of this settlement)
 - o Request to install new tile contradicts statement in the letter that "after vegetation removal, the [East] Fields were capable of supporting a crop without any further modifications."
3. Add to preservation areas / improve connectivity
 - o Do a better job connecting the preservation areas, either north to south or by adding preservation area to the east of the South fields and preserving more area to meet requirements in Ohio Revised Code as actions in East field were not limited to changes in vegetation
 - o North field must be added to preservation area
 - o Buffers along impacted streams should be added to preservation area
 - o Draft / model conservation easement to be attached to settlement order
4. Need to see a more fleshed out analysis (i.e., a table) comparing areas of impact with amount of mitigation / preservation
 - o Need a more fine-grained analysis of the mitigation ratios that follows the Ohio Administrative Code formulas. Even if your bottom-line proposal will not meet what is typically required in the OAC, we would at least like to see how the ratios work out according to the OAC formula so we can assess and review it with Ohio EPA and the Army Corps.
 - o Not all of the green "preservation areas" are wetlands so that needs to be figured into the analysis
 - o Not all of the side cast material is captured on the map, especially along Don Creek. This

all needs to be removed (with disposal sites identified) and preserved.

5. Proposed agricultural areas on Figure 3 are located in parts of the West fields that we would not consider PC Croplands (compare yellow farmed areas 2014 on Figure 2 with proposed ag areas on Figure 3). Conversion of those wetlands to cropland will require a 404 permit and cannot happen as part of this settlement.
6. Buffers along streams should be 50 feet on either side
7. Restore any lost wooded areas (northern fields) to wooded areas in exchange for shorter term of monitoring in non-forested areas in south fields

Items we need more information on

1. Need to identify upland disposal locations for all fill that is being removed
 - o Also want to see more detail re: plan to remove side cast material (may need to use truck and mats)

As a reminder, the call info is below. I look forward to speaking with you then.

Dial: (b) (6)
Code: (b) (6)

Regards,
Chris

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